

REMARKS

In response to the Advisory Action dated May 7, 2010, Applicants respectfully request continued examination. Claims 21-39 are now pending in this Application. Claims 21, 29, 30 and 38 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 21, 28, 29, 30, 37 and 38 have been amended. Support for the amendments made herein can be found in Applicants' Specification – such as at pages 15-18. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

1. Rejection under 35 U.S.C. §103(a)

Claims 21-23, 26-32 and 35-39 stand rejected under 35U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,772,207 to Dorn et al. (hereinafter Dorn) and U.S. Patent No. 6,493,749 to Paxhia et al (hereinafter Paxhia) and further in view of U.S. Patent No. 6,111,945 to Goel (hereinafter Goel). The Final Office Action dated 01/25/2010 concedes that the combination of Dorn and Paxhia is not directed to VPN functionality. To make up for the deficiencies of Dorn-Paxhia, the Final Office Action cites Goel. However, Goel does not make up for Dorn-Paxhia's deficiencies. In particular, Goel does not recite: **each switch comprising a respective virtual private network element switches (VPN switches), wherein the list of VPN switches is displayed according to a hierarchical tree, each respective VPN switch comprising a node on the hierarchical tree; displaying a first selectable functionality in conjunction with the hierarchical tree, the first selectable functionality for instantiating a new physical VPN switch by adding a new node to the hierarchical tree,** now recited in the amended independent claims 21, 29, 30 and 38.

Specifically, Goel is directed to routing calls from a communication carrier network to a customer. The Final Office Action cites Column 3, Lines 1-7 of Goel

as teaching the VPN processing aspects of the claimed invention. In the cited passage, Goel discloses that its VPN is used for routing telephone calls. Moreover, a caller in Goel dials a custom private code requesting a called party. A switch, interconnecting two interexchange carriers, recognizes the call as a VPN call based on the calling customer's private branch exchange (i.e. high capacity communication equipment). The switch queries a database that stores the unique customer profiles for each customer to the VPN service. Based on the switch query, the database retrieves the customer's profile – which contains a network address to be used by the switch to complete the call.

Here, Goel's VPN processing is directed to completing telephone calls across exchange carriers and querying a database to retrieve customer profiles. Clearly, Goel is completely silent as to **displaying a first selectable functionality in conjunction with the hierarchical tree, the first selectable functionality for instantiating a new physical VPN switch by adding a new node to the hierarchical tree** because Goel's switch processing occurs during a telephone call at a switch that is already physically in place between two interexchange carriers. Further, Goel is silent as to a graphical user interface that receives user activity – and on the basis of the user activity - **instantiates a new physical VPN switch by adding a new node to the hierarchical tree.**

For the reasons stated above, Applicant submits that amended independent claims 21, 29, 30 and 38 are patentably distinct and advantageous over the cited references. In addition, by virtue of their dependency on the independent claims, rejected dependent claims are patentably distinct as well. Hence, the rejection under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of the claims is respectfully requested.

2. Rejections under 35 U.S.C. §103(a)

Claims 24 and 33 stand rejected under 35U.S.C. §103(a) as being unpatentable over Dorn, Paxhia, Goel and further in view of U.S. Patent No. 6,101,539 to Kennelly (hereinafter Kennelly). Claims 25 and 34 stand rejected under 35U.S.C. §103(a) as being unpatentable over Dorn, Paxhia, Goel and further in view of U.S. Patent No. 5,692,030 to Teglovic (hereinafter Teglovic). However, Kennelly and Teglovic – as tertiary and quaternary references respectively – fails to make up for the deficiencies of Dorn-Paxhia-Goel with regard to aspects recited in the amended independent claims.

For the reasons stated above, Applicant submits that amended independent claims 21, 29, 30 and 38 are patentably distinct and advantageous over the cited references. In addition, by virtue of their dependency on the independent claims, the rejected dependent claims are patentably distinct as well. Hence, the rejection under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of the claims is respectfully requested.

CONCLUSION

In view of the above, the Examiner's rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions made by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not and should not be considered a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an online payment made herewith, please charge any deficiency to Deposit Account No. 50-3735.

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If the submitted papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

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